

REMARKS

Claims 1-20 are examined. In this Office Action, Claims 1, 5-6, 8-9, 13, 16-18 are rejected under 35 USC 102(e) as being anticipated by Suzuki (US Patent No.: 6,612,488, hereinafter “Suzuki”), Claims 2 and 3 are rejected under 35 USC 103(a) as being unpatentable over Suzuki, Claims 4 and 7 are rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Simonds (US 2002/0023027, hereinafter “Simonds”), Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Barnes et al (US Patent No.: 5,465,386, hereinafter “Barnes”), Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Zele et al (US Patent No.: 5,734,975, hereinafter “Zele”), Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Cheasrek (US Patent No.: 4,386,266, hereinafter “Cheasrek”), Claims 14 and 15 are rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Zhou (US Patent No.: 5,796,858, hereinafter “Zhou”), and Claims 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Ouimet et al (US Patent No.: 6,823,317, hereinafter “Ouimet”).

The Examiner is appreciated for the thoughtful examination. In the foregoing amendments, Claims 1 - 3 and 11 have been amended to further distinguish from the cited references. Reconsideration of the pending claims 1-20 is kindly requested.

As amended, Claim 1 now clearly recites:

causing a separate unit to communicate with a device, the separate unit being secured and independently operating from the device, the separate unit configurable to include a first biometric sensor to obtain first biometric characteristics of a user, the first biometric characteristics physically representing the user;

initiating a transaction request using the device;

communicating the transaction request to a third party through the device; and

receiving a signal at the separate unit via the device to authenticate the transaction, wherein the separate unit is caused to request personalized data from the user associated with the device, the separate unit is not to encrypt the transaction but to authenticate the transaction between the device and the third party only when the biometric characteristics of the user is verified, the transaction can only be authenticated when the personalized data is authenticated in the separate unit.

(emphasis added)

As clearly illustrated in FIG. 7 and described in the specification, a fingerprint scanner, as a first biometric sensor, is provided and may be embedded or attached to a portable device for authenticating of a user in addition to the authentication procedures that can be independently performed in the “separate unit”. The Examiner does admit on page 8 of the Final Office Action that Suzuki fails to teach such a separate unit but cite Zhou to show such teaching. However, the Applicant wishes to point out that Zhou’s device is an access point, which means that once one passes the test in Zhou’s device, the authentication is done and all subsequent transactions are encrypted. In contrast, the separate device 100, as shown in FIG. 1, is recited to include features that the separate unit is not to encrypt the transaction but to authenticate the transaction between the device and the third party only when the biometric characteristics of the user is verified. Those devices that can be attached to a fingerprint scanner in Zhou evidently could not perform such a process of authenticating a transaction.

In view of the above amendments and remark, the Applicant believes that Claims 1-20 shall be in condition for allowance over the cited references. Early and favorable action is being respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231", on **May 6, 2007**.

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Respectfully submitted;
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